



FILE NUMBER/

PROJECT NAME: CUP-16-009

LOCATION: 2578 East Bengal Boulevard; Parcel #22-27-480-040

REQUEST: Conditional use & site plan approval of a restaurant/apartment addition

OWNER: Mohsen Panah

APPLICANT: Mohsen Panah

RECOMMENDATION: APPROVE subject to attached conditions of approval

APPLICANT'S PROPOSAL

The applicant is requesting conditional use and site plan approval to construct a mixed-use addition on the existing restaurant building (Zaferan) located at 2578 East Bengal Boulevard. The proposed addition includes a first-story restaurant and a second-story one-bedroom apartment. The existing building is property is 1,128 square feet. The proposed addition will add 1,464 square feet to the total building footprint. Total gross square footage for each component of the proposed building is as follows:

- Existing restaurant – 1,128 square feet
- Proposed first-story restaurant – 1,464 square feet
- Proposed second-story one-bedroom apartment – 1,308 square feet
- Total proposed footprint – 2,592 square feet
- Total proposed gross building area (main story plus second story) – 3,900 square feet

For this type of application, conditional use and site plan approval by the planning commission is required due to the expanded building footprint/site redesign, and the addition of new uses on the property, in accordance with Chapter 19.37 ("Neighborhood Commercial") and Chapter 19.87 ("Site Plan Review Process") of the Cottonwood Heights zoning ordinance.

BACKGROUND

General Plan

The General Plan designates the subject property as Neighborhood Commercial (NC). The General Plan states: "Adopt a future land use map that reflects the needs of the community and guides future growth/development, including support of thriving development within existing zoning categories."

The applicant is not proposing any change to the existing General Plan or Zoning designation to the property, and has designed his proposal in accordance with existing Neighborhood Commercial zoning standards.

Zoning

The zoning designation of the property is Neighborhood Commercial (NC). The purpose of the NC zone is as follows:

“The NC zone is intended to protect and enhance neighborhood commercial areas by promoting the concentration of businesses that provide convenience goods and services used frequently by local residents. This zone provides for a scale and character of development that is consistent with pedestrian-orientation and which tends to attract and promote a walk-in clientele. Development within this zone should maximize human scale elements while providing a sensitive transition between these uses and neighboring residences, including the provision of adequate and property-sited parking facilities. Additionally, the NC zone encourages residential mixed use to further enhance the transition between neighborhood commercial and adjacent residential uses, consistent with the goals, objectives, and policies of the city’s general plan.”

Mixed residential housing is allowed as a conditional use (19.37.030.A), as defined by the NC zoning ordinance and in accordance with permitted and conditional uses in the NC chapter. Because a restaurant is a conditional use (19.37.030.K), mixing it with a residential component is allowed per 19.37.040:

- “A. A mixed-use building is a single building containing more than one type of land use, or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.
- B. An example of a mixed-use residential building with a retail storefront on the main floor and one floor of residential living above the main floor is below:”



In accordance with 19.37.100, all development projects in the NC zone will be required to comply with a master development plan approved by the planning commission. Approval of this proposed conditional use and site plan will constitute approval of a master development plan for the project, in accordance with all pertinent code provisions, conditions of approval, and site plan/elevation drawings presented to the commission and reviewed by staff.

Analysis: Staff finds that the proposed addition complies with the mixed-use provisions of the NC zone. The approved master development plan will serve as a basis for eventual building permit review and approval. Any proposed changes to the site plan and/or building elevations subsequent to planning commission approval will be reviewed by city staff, and returned to the planning commission if necessary.

Board of Adjustment

Because the existing building on the property is considered a non-conforming building (it doesn't meet all current city setbacks), the Board of Adjustment must approve all proposed additions or expansions. The applicant presented his proposal to the Board of Adjustment and received approval for expansion on April 21st, 2016. The current proposal matches the proposal approved by the Board of Adjustment.

CONTEXT

Adjacent Zoning:

- North: Directly adjacent to Bengal Boulevard. Properties across the right-of-way are zoned NC
- South: Zoning – NC; Land use – Low-Density Residential
- East: Zoning – NC (Cottonwood Cyclery)
- West: Zoning – NC (Car Wash)

General Development Information:

- Existing Use: 1,128 square-foot restaurant
- Proposed Use: Restaurant / Apartment unit addition (1,464 sq. ft. footprint)
- Gross Lot Area: 12,538 square feet (0.28 acres)
- Building Height Allowed: two stories / 35 feet, whichever is less
- Building Height Proposed: 28'
- Parking Required:
 - Quality Restaurant – 0.43 vehicles per seat (p. 260, ITE)
 - Low/Midrise Apartment – 1.20 vehicles per dwelling unit (p. 51, ITE)
- Parking Provided: 14 stalls
 - Note: with 14 stalls (two dedicated to apartment), both restaurants are limited to a cumulative total of 25 seats
- Lot Coverage Required: 50% maximum
- Lot Coverage Provided: 20.67%
- Landscaping Required: N/A
- Landscaping Provided: 2,189 square feet (17%)

DEVELOPMENT INFORMATION

Building, Site Plan and Landscaping

The master development plan shows the proposed building addition, parking, and landscaping on the property. No architectural changes are proposed on the existing portion of the building (Zaferan restaurant).

Curb, Gutter, Sidewalk, and Circulation

Curb, gutter, sidewalk, and park strip currently exist in front of the subject property. If any portion of those existing public right-of-way features is found to be in sub-standard condition, the applicant shall be responsible for improving it to meet the city's current minimum design standards (APWA) during construction. The existing eastern drive access is proposed and required to become a right-in, right-out driveway, with left turns being prohibited both in and out of that access point. To ensure all public improvements are installed properly, the applicant may be required to submit a development bond prior to issuance of a building permit.

Fire Safety

The Unified Fire Authority reviewed the site plan and has no concerns with the layout of the site. Construction plans will be reviewed by the fire inspector prior to issuance of a building permit to ensure all fire codes are met.

Parking

The Cottonwood Heights zoning ordinance requires that parking be in compliance with the ITE Summary of Parking Generation Rates. The parking requirement for a quality restaurant (i.e. non-franchised restaurant, generally serving primarily dinner and sometimes lunch) is 0.43 parking stalls per seat. Additionally, the ITE requires 1.20 parking stalls per dwelling unit. On the subject property, 14 stalls have been proposed, with two being used to meet the residential parking requirement. The remaining 12 stalls will serve both restaurant uses. At a parking rate of 0.43 stalls per seat, the total number of seats between both restaurants shall be no more than 27 seats. One ADA-compliant stall has been provided, and can be counted toward the total parking requirement. While on-street parking is permitted, it may not be used to meet minimum parking requirements.

Analysis: With the realization that ongoing regulation of parking by number of seats inside each restaurant has the potential to be problematic, staff is recommending a condition of approval that the applicant submit a parking study, done by a licensed engineer, that justifies the proposed parking in comparison with the proposed addition.

Lighting

No parking lot lighting is being proposed for the site. Building lighting adjacent to a residential use (i.e. on the south side of the building) is required to be full cutoff and shielded downward.

Landscaping

In the NC zone, there is no minimum landscaping provided for properties less than one acre in size. However, the applicant has proposed 17% site landscaping, comprised of grass and rose bushes. The NC ordinance further states that all developments in the NC zone shall provide an 8' landscape buffer with threes planted no less than every 30 feet on center between any commercial development and a residential use.

Analysis: The applicant will be required to install a complying landscape buffer in the rear of the property, compliant with the NC ordinance (19.37.130.B).

Fencing

No additional fencing is proposed. There is an existing retaining wall with a 6' fence along the rear property line that will remain.

Signage

Any new signs will be subject to approval through the standard building permit process.

Trash Management

No exterior dumpster is proposed. Instead, the applicant will use interior cans and bring them outside to be picked up periodically.

Screening

The proposed mechanical equipment in the rear of the proposed addition are required to be visually screened.

Noticing

Notices were sent on August 17 to all property owners within 1000' of the subject property.

Staff Reviews

The applicant received technical plan reviews from both zoning and engineering prior to the public hearing. All comments found in those reviews, and comments from any subsequent technical reviews, will be required to be addressed prior to final approval and building permit issuance.

Attachments

1. Conditions of Approval
2. Context Aerial
3. Context Zoning
4. Proposed Plans
5. Model Motions

Staff: Mike Johnson, Planner

801-944-7060 / mjohnson@ch.utah.gov

CONDITIONS OF APPROVAL

Staff recommends APPROVAL subject to the following conditions:

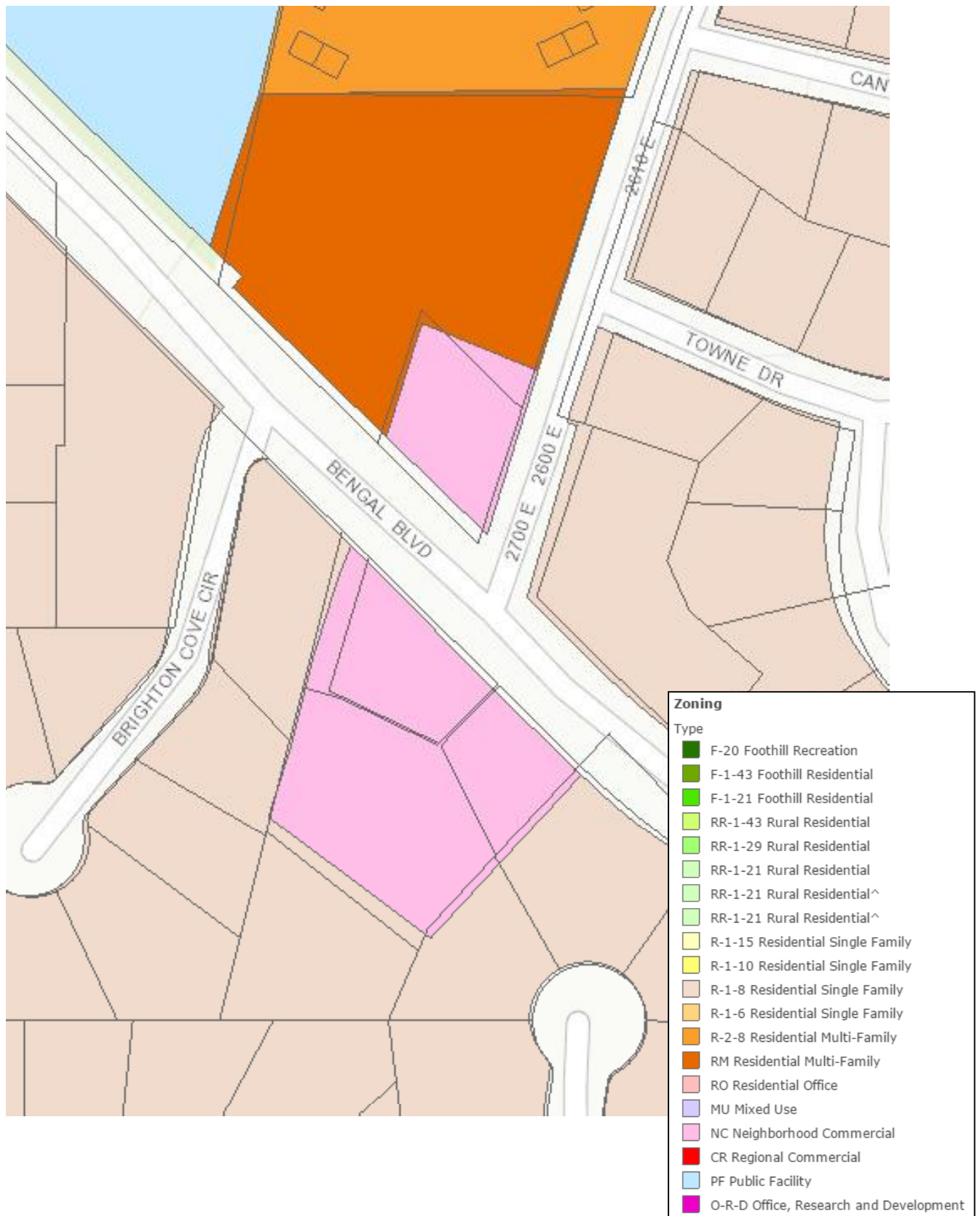
1. The applicant shall meet all relevant portions of the Cottonwood Heights Municipal Code, including, but not limited to, Chapter 19.37 ("Neighborhood Commercial), Chapter 19.87 ("Site Plan Review Process"), Chapter 19.84 ("Conditional Uses"), Title 14 ("Highways, Sidewalks and Public Places"), and all other applicable laws, ordinances and regulations pertaining to the proposed project;
2. The applicant shall address all technical corrections, as directed by city staff and prepared in the form of project review letters, prior to issuance of a building permit. A set of plans, with all technical corrections addressed, will be added to the conditional use project file and will constitute final approval;
3. The applicant shall submit a completed parking analysis, prepared by a licensed engineer, that justifies that the parking ratio used, and that the parking stalls provided, are adequate for the proposed uses on the property;
4. All public improvements, as required by the city engineer, shall be ensured through applicable bonding requirements;
5. The building shall be constructed as approved, and in accordance with all technical corrections. Any non-technical changes to the site plan or elevations shall be reviewed by the planning commission;
6. The applicant shall screen exterior mechanical equipment;
7. A construction mitigation plan shall be submitted prior to construction addressing hours of construction, construction vehicle parking, deliveries, stockpiling and staging, trash management and recycling of materials, dust and mud control, noise, grading and excavation, temporary lighting, and construction signage.

FINDINGS FOR APPROVAL

1. The proposed project meets the applicable provisions of the Cottonwood Heights Municipal Code;
2. The proposed project will continually meet the applicable provisions of Chapter 19.84, "Conditional Uses," of the Cottonwood Heights zoning ordinance. Any violation of this chapter will be presented to the planning commission, and shall be grounds for potential revocation, per 19.84.140.



CONTEXT ZONING



PROPOSED PLANS



MODEL MOTIONS

Approval

I move that we approve project CUP-16-009, a request from Mohsen Panah, for a mixed-use addition to the existing building at 2578 East Bengal Boulevard, subject to the approved Master Development Plan, all provisions in the staff report dated August 31, 2016, and all conditions of approval:

- Add any additional conditions...
- Add any additional findings...

Denial

I move that we deny project CUP-16-009, a request from Mohsen Panah, for a mixed-used addition to the existing building at 2578 East Bengal Boulevard, based on the following findings:

- List findings for denial...



MEMO

To: Planning Commission

From: Mike Johnson, Planner

Date: August 31, 2016

Subject: Project HOC-16-004; Application for a Home Daycare at 1761 East Cloverdale Road

An application has been made by Angela Lancaster to operate a home daycare with up to 12 children per session, in accordance with zoning ordinance Chapter 19.76.040.E.

In its review of the above-referenced application, as is done for all land use applications, staff visited the subject property to take photos and provide the planning commission with visual context of the site. Upon visiting the site, staff found the yard area unkempt and in disrepair. This causes concern for the potential use of a daycare for young children.

ANALYSIS

The current condition of the property is unsuitable for a home daycare. The lawn is in a state of disrepair, with dead, dry grass and untrimmed weeds. The existing fence is significantly damaged, with some pieces of chain-link fencing laying in the front yard. There is orange temporary construction fencing throughout the property although no apparent construction is occurring. There is a commercial dumpster on the property, and there is overgrown vegetation encroaching significantly on the public right-of-way, resulting in a serious visibility issue for any people or vehicles exiting the driveway on the property. Staff finds this in violation of Chapter 9.05 ("Nuisances and Abatement") and 9.50 ("Weeds and Refuse") of the Municipal Code.

Chapter 9.05.030, "Nuisances and Abatement," of the Municipal Code defines nuisances. Multiple definitions are given, including: "Anything which is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property," and "Any item, thing, manner, or condition whatsoever that is dangerous to human life or health or renders soil, air, water, or food impure or unwholesome." Further, the ordinance provides examples of nuisances:

- Unsafe Conditions – A conditions that unreasonably or unlawfully affects the health or safety of one or more persons;
- Fire Hazard
- Noxious Weeds – Noxious weeds located...along public sidewalks or the outer edge of any public street, or weeds in any other location which constitute a fire hazard;

- Improper Accumulations – Accumulation of soil, litter, debris, plant trimmings, or trash, visible from the street or adjoining property'
- Attractive Nuisances – Any attractive nuisance dangerous to children and other persons.
- Vegetation – Dead, decayed, diseased, or hazardous trees, weeds, hedges, and overgrown or uncultivated vegetation which is in a hazardous condition, is an obstruction to pedestrian or vehicular traffic, or which is likely to harbor rats, vermin or other pests;
- Improper Maintenance – Maintenance of buildings and/or structures in such condition as to be deemed effective or in a condition of deterioration or disrepair...

Staff finds that many of the on-site conditions constitute a nuisance, and therefore finds it irresponsible to make any recommendations in regards to the proposed daycare until the on-site conditions are improved. Any one of the noticeable conditions could prove hazardous and unsafe, especially to a child.

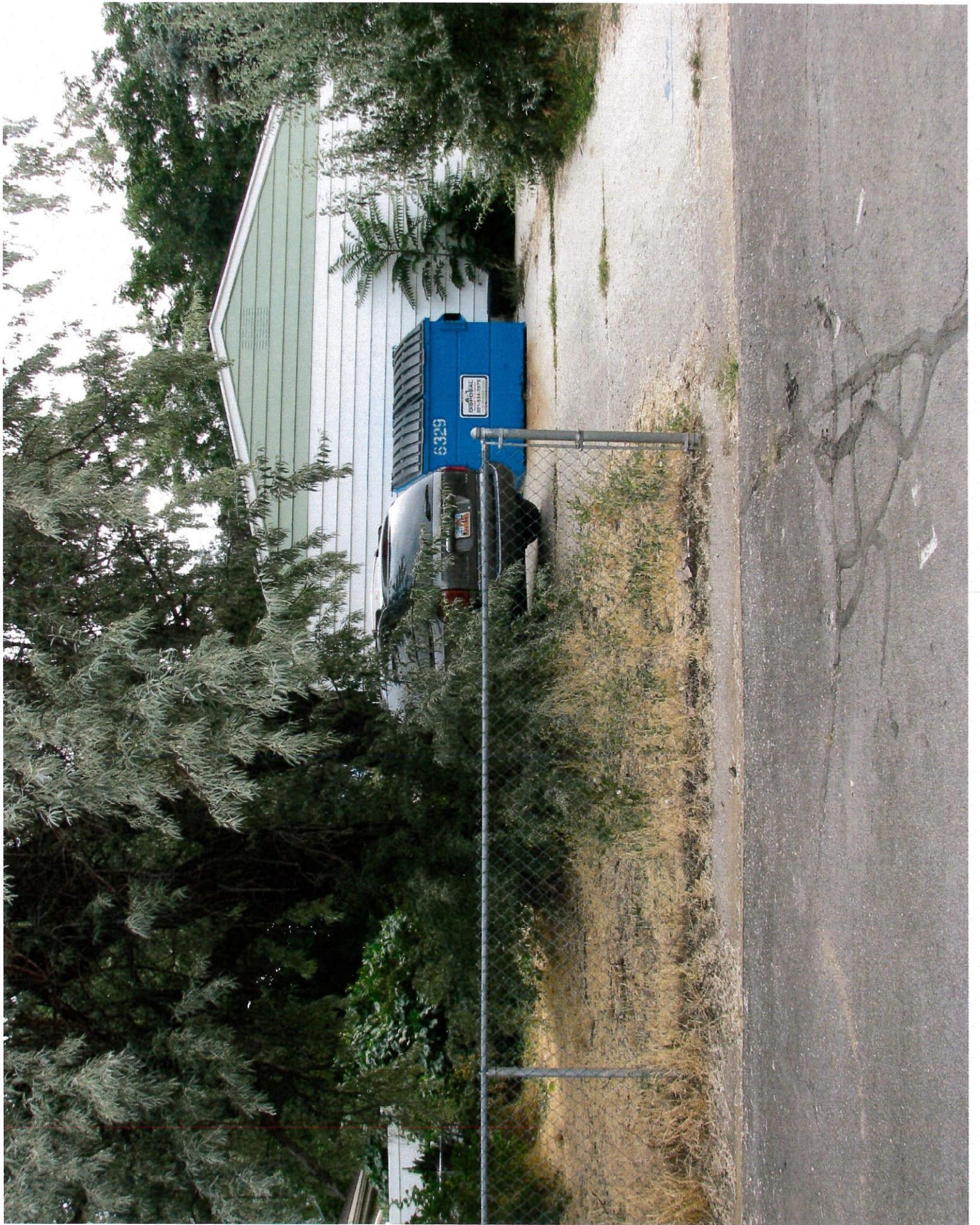
RECOMMENDED COURSE OF ACTION

Staff's final recommendation of this report is to hold the public hearing as scheduled, but delay further deliberation or action on the subject application until the on-site conditions are addressed and re-inspected by city staff and city code enforcement officers. Such on-site conditions that need to be addressed may include, but not be limited to:

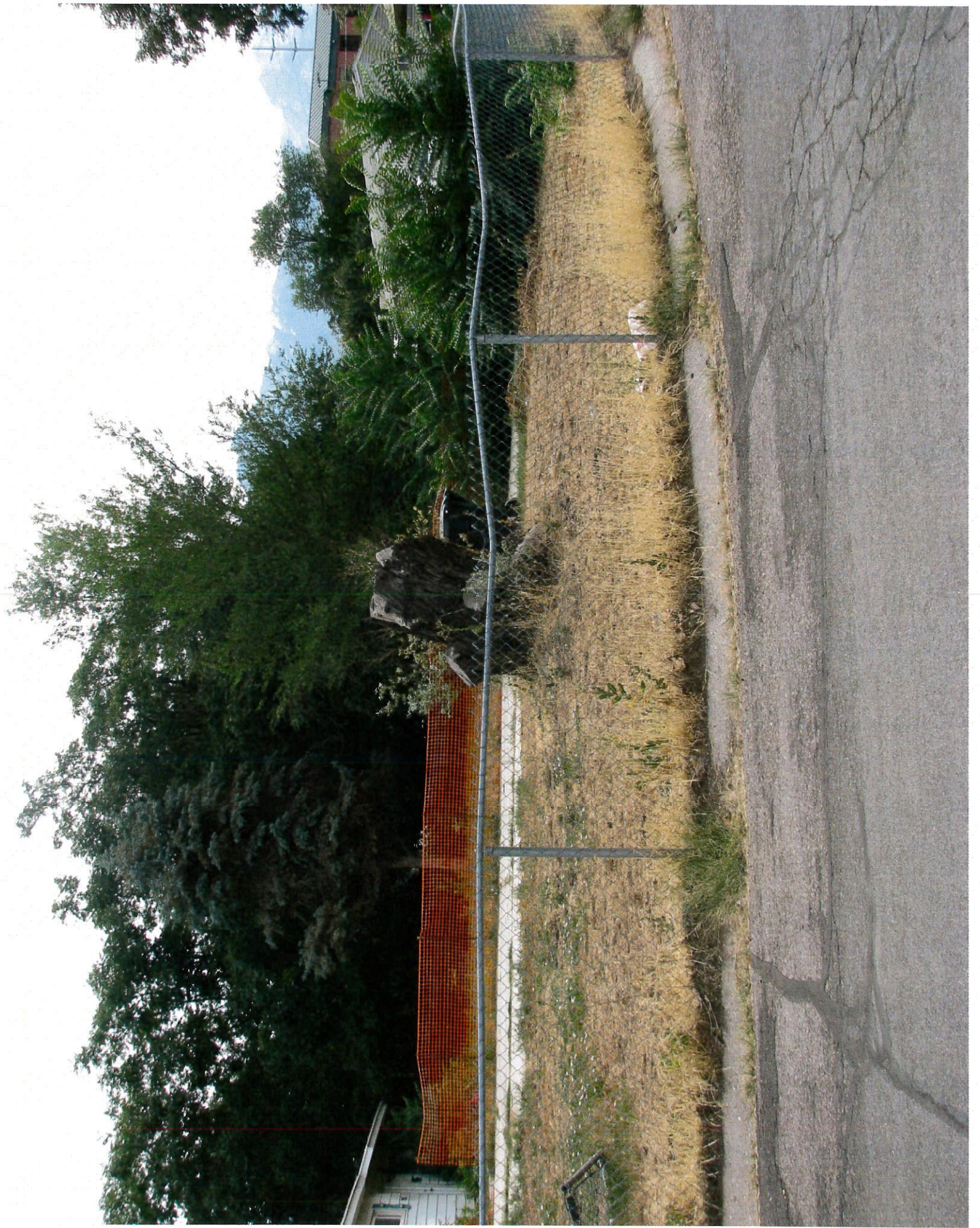
- Dead, unmaintained lawn;
- Damaged chain-link fence (and piece of chain-link fence laying in front lawn);
- Overgrown vegetation that obstructs the public right-of-way;
- Overgrown weeds that encroach in the public right-of-way;
- Orange construction fencing;
- Commercial dumpster on property;

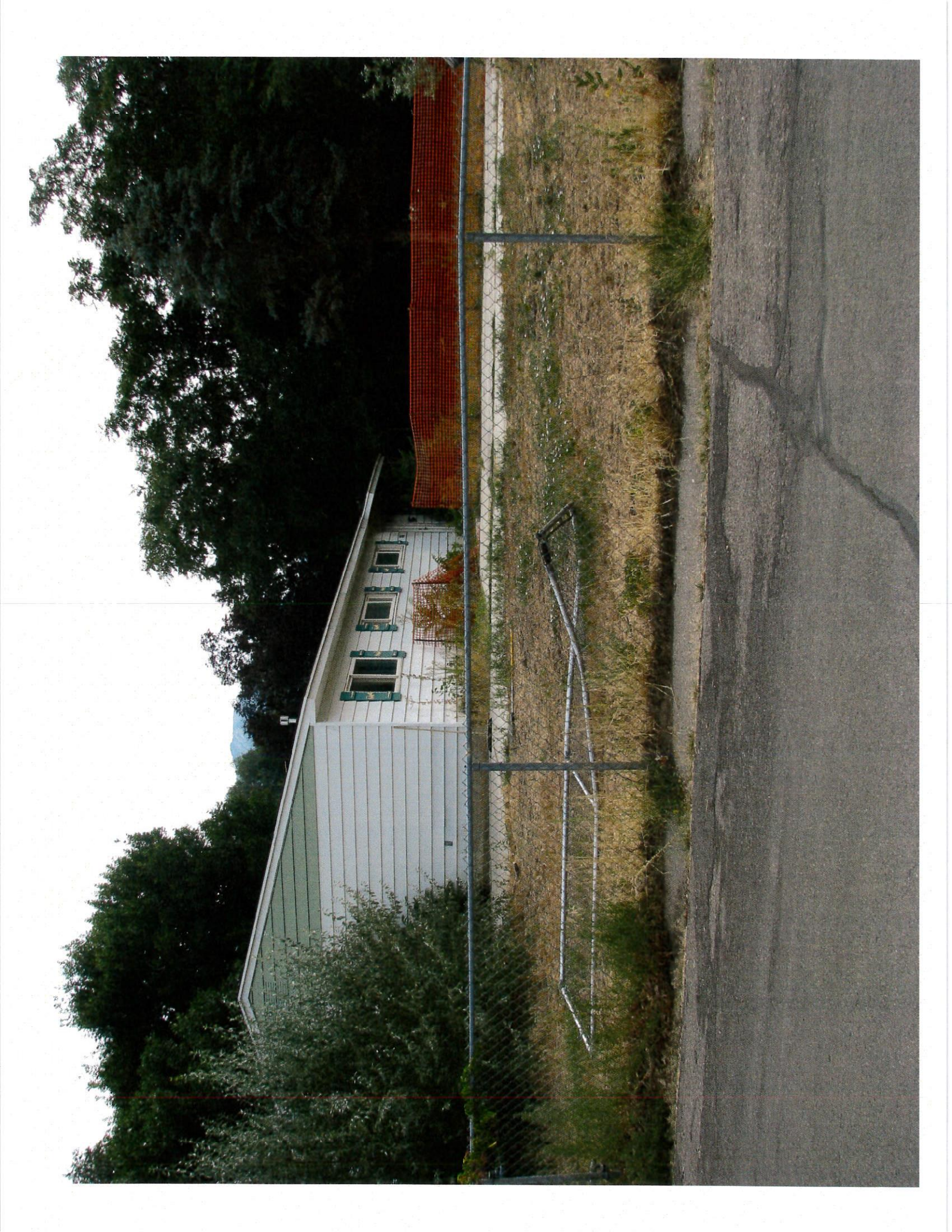
Before returning to the planning commission for further consideration, the applicant shall address all nuisances and un-safe conditions on the property, and shall show compliance with all codified conditions associated with home daycares, as found in 19.76.040.E.

Attachments: Site Photos



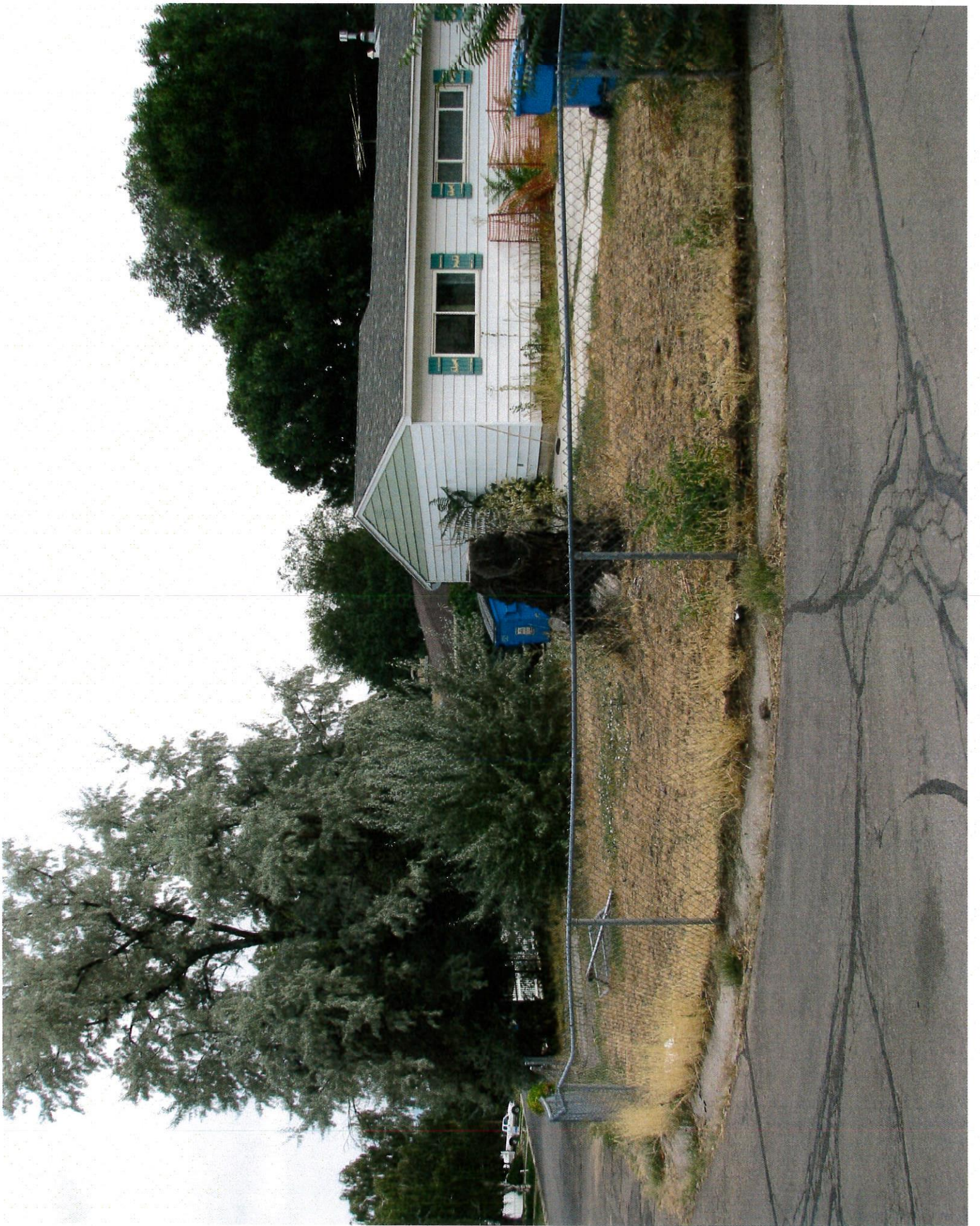


















Planning Commission

MEETING DATE: August 31, 2016



FILE NUMBER/

PROJECT NAME: CUP 16-010 (11-004 amendment) Cottonwood Corporate Center

LOCATION: 2750 and 2800 East Cottonwood Parkway

REQUEST: Approval of an additional below grade parking level for the new Phase II Parking Garage.

OWNER: Cottonwood Partners – Jeff Gochnour 801-365-6200

ARCHITECT/

DESIGNER: Architectural Nexus - Julie Berreth 801-924-5000

ENGINEER: Ensign Engineering – Riley Ford 801-255-0529

APPLICANT: Jeff Gochnour - Cottonwood Development Services 801-365-6200

STAFF

RECOMMENDATION: APPROVE subject to attached conditions

APPLICANT'S PROPOSAL

Applicant's Request

The applicant is requesting approval of additional parking level beneath the approved parking garage. The new 127 parking spaces will be placed under the Phase II parking garage on the west end of the parking which will equal 100 net parking spaces total. The access to the new parking level will be accommodated and will enter through the previously approved Phase II parking garage where the loss of the 27 spaces is taken. The additional parking is due, in part, to the changing needs of the applicant's new tenants.

BACKGROUND

General Plan

The General Plan Land Use Chapter designates the property as Office, Research and Development. This designation includes campus like research and office developments. These areas are typically located adjacent or near major transportation corridors. This area is defined in the General Plan as a regional activity node and destination center.

Zoning

The site is zoned Office, Research and Development (O-R-D) Zone. The ORD Zone provides for a wide range of business activities that include light and high-tech industries and office uses. The site zoning previous to the ORD in the county was S-1-G (gravel and natural resource extraction). The ORD zone chapter was adopted into the County's zoning ordinance effective July 16, 1992. The zoning file for the Cottonwood

Corporate Center is PL-92-4008, shows the property was rezoned ORD right after the enactment of the zone itself.

Site and Area Context

The site is located in the southwest corner of the Cottonwood Corporate Center immediately south and adjacent to I-215 located south of Cottonwood Parkway. The site is surrounded by office buildings to the north and east, and by residential neighborhoods to the south and west.

On the adjoining eastern property sits the Blue Cross/Blue Shield complex (2 buildings). The Phase II office buildings is setback approximately 133' from the residential neighborhoods to the south. The parking including the proposed underground parking is setback 61' from the south and 96' from the west residential properties.

Adjacent Uses:

- North: Office Buildings, zoned O-R-D Zone
- South: Residential neighborhood, zoned R-1-8 Zone
- East: Office Buildings, zoned O-R-D Zone
- West: Residential neighborhood, zoned R-1-8 Zone

Site History

The subject property was used as a sand and gravel operation prior to the site being approved for the Cottonwood Corporate Center. The site was rezoned to ORD zone in 1992. The Cottonwood Corporate Center Conditional Use Permit (CUP) was approved in January of 1995. The CUP (CUP 11-004) for the current site development was approved by Planning Commission on June 6, 2012. The Phase I building and parking garage are constructed and in use today.

Development Information:

- Existing Use: Office building and parking structure
- Proposed Use: Additional underground parking
- Parcel Size: 8.67 Acres
- Building Size: 263,000 sq. ft. (275,400 total sq. ft. –gross)
- Parking Required: 758 Spaces required
- Parking Provided: 835 Spaces provided + 127 (100 net spaces) additional spaces = 935 total
- Lot Coverage Allowed: 50% allowed
- Lot Coverage Provided: 16% provided
- Front Yard Setback Required: 50'
- Front Yard Setback Provided: 55'
- Side Yard Setback Required: 50' or no less than 20'
- Side Yard Setback Provided: 390' (6-story building) and 61' (4-story building)
- Rear Yard Setback Required: 50' (may be increased one foot for each additional foot of building height above 35') = 103' (6-story building) and 75' (4 story building)

- Rear Yard Setback Provided: 300' (6-story building) and 133' (4-story building)

DISCUSSION

The request is to add another level of parking under the previously approved phase II parking structure for the new office building complex. The Phase II parking area occupies the southwest part of the site.

The proposed amendment will maintain the existing landscaping, perimeter trail and 50' trail open space that circumnavigate the property along the south and west property lines.

Impact Analysis

Traffic

The site is located on the south side at the western end of Cottonwood Parkway. Cottonwood Parkway is a two-lane private road with a landscaped median. This site was part of the original master plan for the Cottonwood Corporate Center office park master plan approved in 1995. The site trip generation for 250,000 sq ft of additional office space is 428 during the AM peak hour and 370 during the PM peak hour (Table 2, Trip Generation, *Western Cottonwood Corporate Center Traffic Study*, October 2011). The study further determined the overall traffic impact could accommodate a building up to 375,000 sq. feet.

The surrounding street system and related improvements have adequate capacity to handle the traffic from the proposed office buildings if 3000 East is expanded at the intersection of Cottonwood Parkway to accommodate two northbound through lanes as discussed in the traffic impact study by A-Trans Engineering.

Parking

The original required parking for the development was 758 parking spaces and that application provided 835 spaces on the site including a secure commuter bicycle parking area and accommodations for compact and handicap stalls. The additional parking proposed in this application will add 127 parking spaces underneath the Phase II parking garage, which will amount to 100 additional net spaces. Entry to the lower level parking will be accommodated through the main level parking area and will not present any exterior impacts.

Community Involvement

The city sent out courtesy notices to all property owners within 1000 feet of the site. The contractor will be available throughout the process to answer neighbors' questions or concerns.

Attachments

1. Context aerial
2. Site Plan with lower level parking area

CONDITIONS OF APPROVAL

These conditions are in order to protect the public health, safety, welfare, and Cottonwood Heights. Unless otherwise stated, the owner's completion of all requirements below is subject to the satisfaction of the staff planner.

SITE DESIGN

CONFORMANCE TO CONCEPTUAL SITE PLAN. Development shall conform to the approved site plan submitted by Cottonwood Development Services and approved on June 6, 2012 and any applicable submittals for the proposed parking level. If there is a conflict between these conditions and the conceptual site plan, the staff planner shall determine which document takes precedence. Any proposed significant change to the conceptual site plan, as determined by the staff planner, shall be subject to additional public hearings before the Planning Commission.

APPLICABLE DOCUMENTS AND PLANS:

EXTERIOR LIGHTING DESIGN:

Incorporate into the project's design, the following:

Parking Lot and Site Lighting:

- The maintained average horizontal luminance level, at grade on the site shall not exceed 20 foot-candles.
- The maintained maximum horizontal luminance level, at grade on the site, shall not exceed 20 foot-candles. All exterior luminaries shall be included in this calculation.
- The initial vertical luminance at 5 foot above grade, along the entire property line (or 1 foot outside of any block wall exceeding 5 foot in height) shall not exceed .8 foot-candles. All exterior luminaries shall be included in this calculation.

INTERNAL CIRCULATION:

- The developer shall provide a minimum parking-aisle width of 24 feet.
- Connect the sidewalk on the north side of the project site that dead ends on the northwest portion of the site further west with the existing trail.
- Provide bike parking per— 14 racks = 28 spaces. Show on site plan.
- The developer shall provide internal circulation that accommodates emergency and service vehicles with an outside turning radius of 45 feet and inside turning radius of 25 feet.
- The developer shall design the dead-end parking aisle in general conformance with the included detail:
 - Sight distance easements shall be dedicated over sight distance triangles.
 - Sight distance triangles must be shown on final plans to be clear of landscaping, signs, or other visibility obstructions between 2' and 7' in height.

Other:

- Compliance with geotechnical recommendations and mitigation of unsuitable soils to meet soil bearing capacity requirements of the ICC based on the proposed design. Mitigation efforts shall meet air quality requirements for dust control and minimize noise, vibration and visual impact to the adjacent properties.
- Pedestrian accommodations along Cottonwood Parkway that service the proposed office building shall be ADA compliant.
- Submission of construction plans that meets all applicable standards.

Staff:

Brian Berndt

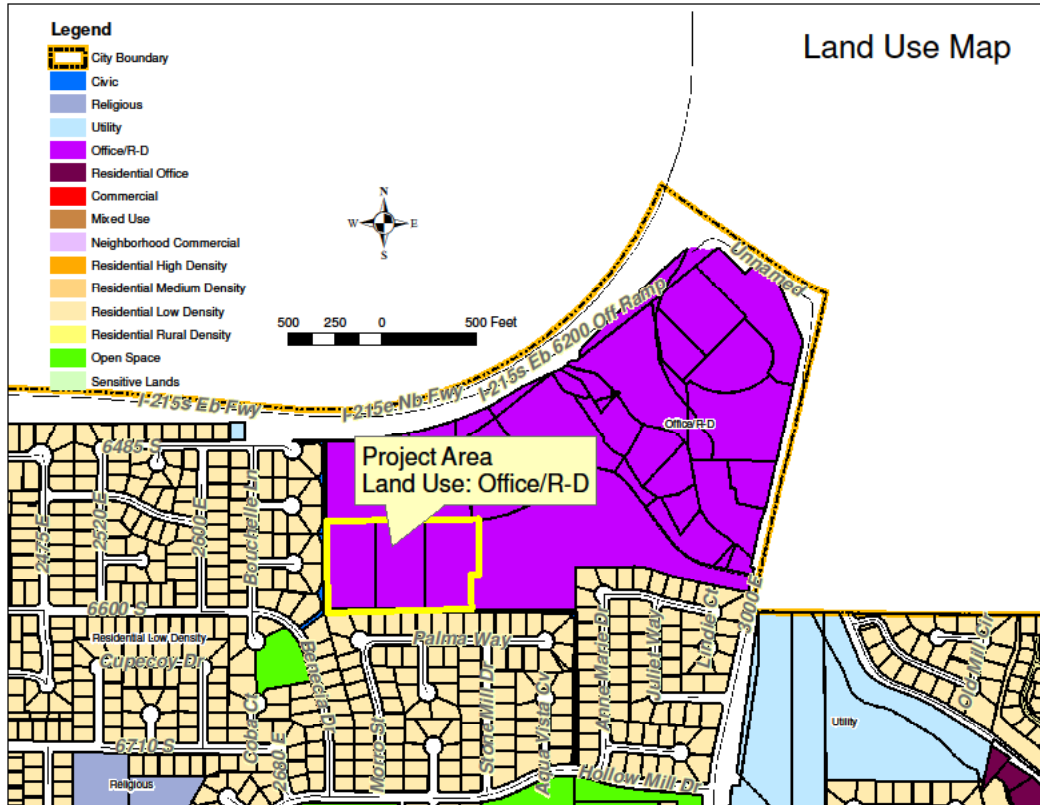
Community Development Department

801-944-7066

Context Aerial
CUP 11-004 Cottonwood Corporate Center



Land Use Map



Zoning Map

